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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,395	08/18/2003	Klausjoerg Klein	FA1059USNA 3623	
23906	7590 06/01/2007	AD A NIV	EXAMINER	
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER			MAYEKAR, KISHOR	
D	BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE		ART UNIT	PAPER NUMBER
WILMINGTO			1753	
			MAIL DATE	DELIVERY MODE
			06/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/643,395	KLEIN ET AL.			
Office Action Summary	Examiner	Art Unit			
	Kishor Mayekar	1753			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
<ol> <li>Responsive to communication(s) filed on <u>08 March 2007</u>.</li> <li>This action is <b>FINAL</b>. 2b) This action is non-final.</li> <li>Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</li> </ol>					
Disposition of Claims					
<ul> <li>4)  Claim(s) 1-9 is/are pending in the application.</li> <li>4a) Of the above claim(s) 8 is/are withdrawn from consideration.</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-7 and 9 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or election requirement.</li> </ul>					
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the original transfer and the correction is objected to by the Examiner  11) The oath or declaration is objected to by the Examiner  12. **The oath or declaration is objected to by the Examiner is objected to by the Examiner is objected to by the Examiner is objected.	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is objected.	37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary ( Paper No(s)/Mail Date	e			
Information Disclosure Statement(s) (PTO/SB/08)     Paper No(s)/Mail Date	5)  Notice of Informal Pa 6) Other:	tent Application			

## Election/Restrictions

1. Applicant's election without traverse of invention of Group I, claims 1-7 and 9 in the reply filed on 8 March 2007 is acknowledged.

## Double Patenting

2. Claims 1-7 and 9 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-6 and 8 of copending Application No. 10/668,956 in view of McCollum et al. (US 2003/0054193), for reasons as of record.

## Response to Arguments

3. Applicant's arguments, see the last paragraph of page 4 through the first partial paragraph of page 6, filed 8 March 2007, with respect to claims 1-7 and 9 have been fully considered and are persuasive. Further, because of the unexpected results as shown in page 14 of the specification from the combination of the recited bismuth salt with the recited yttrium and/or neodymium compound. The rejection of claims 1-7 and 9 under 35 USC 102 and 103 has been withdrawn.

The rejection to claim 6 under the 2<sup>nd</sup> paragraph of 35 USC 112 is also withdrawn

since the claim has been amended to obviate the rejection

As to the rejection of claims 1-7 and 9 on the ground of nonstatutory obviousnesstype double patenting, the rejection stands because of no submission of a terminal disclaimer and/or no argument.

## Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kishor Mayekar Primary Examiner Art Unit 1753